CLOSED

U.S. District Court
Southern District of California (San Diego)
CIVIL DOCKET FOR CASE #: 3:07−cv−00909−W−POR

San Diego Navy Broadway Complex Coalition v. US Department of the Navy et al
Assigned to: Judge Thomas J. Whelan
Referred to: Magistrate Judge Louisa S Porter
Cause: 05:552 Right to Privacy Act

Date Filed: 05/21/2007
Date Terminated: 05/27/2009
Jury Demand: None
Nature of Suit: 895 Freedom of Information Act
Jurisdiction: Federal Question

Plaintiff

San Diego Navy Broadway Complex Coalition

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V.

Defendant

US Department of the Navy

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Defendant

Donald C Winter
in his official capacity as Secretary of the U.S. Department of the Navy
TERMINATED: 01/08/2008

represented by **U S Attorney CV**
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Megan Callan
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Date Filed	#	Docket Text
05/21/2007	1	COMPLAINT against US Department of the Navy, Donald C Winter (Filing fee $ 350/#138415) , filed by San Diego Navy Broadway Complex Coalition. (Atty Maint)(vrp)(mam). (Entered: 05/22/2007)
05/21/2007	2	Summons Issued. (vrp) (Entered: 05/22/2007)
05/21/2007	3	Plaintiff's Disclosure Statement by San Diego Navy Broadway Complex Coalition. (aje)(mam). (Entered: 05/22/2007)
06/21/2007	4	Joint MOTION for Extension of Time to File Answer *or Responsive Pleading and to Set Schedule for Filing of Dispositive Motions* by US Department of the Navy, Donald C Winter. (Callan, Megan) (Entered: 06/21/2007)
06/25/2007	5	ORDER granting 4 Joint Motion to Continue Deadline for Filing Responsive Pleading and Setting Briefing Schedule − Defendants have until 8/17/07 to file their responsive pleading/summary−judgment motion. Any cross−motion for summary judgment by the Plaintiff shall be filed by 9/15/07. Signed by Judge Thomas J. Whelan on 6/22/07. (aje)(bar,). (Entered: 06/25/2007)
08/17/2007	6	MOTION for Summary Judgment by US Department of the Navy, Donald C Winter. (Attachments: # 1 Memo of Points and Authorities # 2 Table of Exhibits# 3 Exhibit A# 4 Exhibit B−D# 5 Exhibit E# 6 Exhibit F# 7 Proof of Service)(Callan, Megan) Modified on 2/22/2008 to unterm motion, a portion of the motion was continued per Order 18 (nsp). (Entered: 08/17/2007)
09/10/2007	7	Joint MOTION for Extension of Time to File *Plaintiff's Cross−Motion for Summary Judgment* by San Diego Navy Broadway Complex Coalition. (Briggs, Cory) (Entered: 09/10/2007)
09/13/2007	8	ORDER granting 7 Joint Motion to Continue Deadline for Plaintiff to File Summary−Judgment Motion. The Court grants the motion and orders that Plaintiff file and serve its summary−judgment motion, if any, on or before 12/7/07. before filing the motion, Plaintiff's counsel must contact the Court's law clerk to obtain a hearing date. Signed by Judge Thomas J. Whelan on 9/13/07. (aje) (Entered: 09/13/2007)
09/20/2007	9	Joint MOTION *to Postpone Hearing on Summary Judgment Motion by Federal Defendants* by San Diego Navy Broadway Complex Coalition. (Briggs, Cory) Modified on 9/26/2007 to edit text (aje). (Entered: 09/20/2007)
09/21/2007	10	ORDER granting 9 Joint Motion to Continue Hearing Date on Defendants' Summary−Judgment Motion. The hearing is continued from November 12, 2007 to November 19, 2007. Pursuant to Civil Local Rule 7.1(d.1), the matter will be submitted on the papers and there will be no oral argument. Signed by Judge Thomas J. Whelan on 9/21/07. (aje) (Entered: 09/21/2007)
10/29/2007	11	RESPONSE in Opposition re 6 MOTION for Summary Judgment *Opposition Brief; Declaration of Cory J. Briggs; Supporting Exhibits* filed by San Diego Navy Broadway Complex Coalition. (Briggs, Cory) Modified on 11/1/2007, notified atty to attach supporting documents as attachments (aje). (Entered: 10/29/2007)
11/09/2007	12	REPLY to Response to Motion re 6 MOTION for Summary Judgment filed by US Department of the Navy, Donald C Winter. (Callan, Megan) (Entered: 11/09/2007)

11/09/2007	13	Ex Parte MOTION to Stay *Discovery Pending Disposition of Defendants' Motion for Summary Judgment* by US Department of the Navy, Donald C Winter. (Callan, Megan) (Entered: 11/09/2007)
11/13/2007	14	RESPONSE in Opposition re 13 Ex Parte MOTION to Stay *Discovery Pending Disposition of Defendants' Motion for Summary Judgment Opposition to Ex Parte Application* filed by San Diego Navy Broadway Complex Coalition. (Briggs, Cory) (aje). (Entered: 11/13/2007)
11/30/2007	15	ORDER denying as moot 13 Defendant's Ex Parte Application to Stay Discovery Pending Disposition of Defendant's Motion for Summary Judgment. Signed by Magistrate Judge Louisa S Porter on 11/30/07. (aje) (Entered: 11/30/2007)
12/06/2007	16	Joint MOTION to Vacate *Deadline for Filing Plaintiff's Cross−motion for Summary Judgment* by US Department of the Navy, Donald C Winter. (Callan, Megan) (aje). (Entered: 12/06/2007)
12/07/2007	17	ORDER granting 16 Joint Motion to Vacate deadline for filing Plaintiff's Cross−Motion for Summary Judgment. The Court grants the motion and vacates the December 7, 2007 due date for the filing of Plaintiff's Cross−Motion for Summary Judgment. Signed by Judge Thomas J. Whelan on 12/7/07. (aje) (Entered: 12/07/2007)
01/09/2008	18	ORDER granting in part and continuing in part 6 Defendants' Motion for Summary Judgment. The Court grants the Navy's summary−judgment motion 6 with respect to Plaintiff's APA claim and Defendant Donald C. Winters, and denies Plaintiff's request to conduct discovery. Signed by Judge Thomas J. Whelan on 1/8/08. (aje) (Entered: 01/09/2008)
02/08/2008	19	Ex Parte MOTION for Leave to File *Supplemental Declarations Under Seal According to Court Order* by US Department of the Navy, Donald C Winter. (Attachments: # 1 Exhibit G (Cover Sheet)# 2 Exhibit H (Cover Sheet)# 3 Proof of Service)(Callan, Megan) (vrp). (Entered: 02/08/2008)
02/08/2008	20	SUPPLEMENTAL DOCUMENT by San Diego Navy Broadway Complex Coalition *Brief in Support of Disclosure of Financial Figures*. (Attachments: # 1 Declaration of Ian Trowbridge# 2 Declaration of Cory J. Briggs# 3 Exhibit A# 4 Exhibit B# 5 Exhibit C# 6 Proof of Service)(Gladden, Mekaela) (Entered: 02/08/2008)
02/08/2008	21	SUPPLEMENTAL DOCUMENT − Supplemental Memorandum of Law in Support of Defendant's Continued Motion for Summary Judgment by US Department of the Navy re 20 Supplemental Document, 6 MOTION for Summary Judgment, 18 Order on Motion for Summary Judgment, *In Support of Defendant's Continued Motion for Summary Judgment*. (Attachments: # 1 Exhibit I# 2 Proof of Service)(Callan, Megan) Modified on 2/11/2008 to clarify text (mjj,) (Entered: 02/08/2008)
02/12/2008	22	ORDER granting 19 Motion for Leave to File Supplemental Declarations Under Seal. Signed by Judge Thomas J. Whelan on 2/11/08. (aje) (Entered: 02/12/2008)
02/14/2008	23	NOTICE by San Diego Navy Broadway Complex Coalition *of Unavailability of Counsel* (Skaret, Karen) (aje). (Entered: 02/14/2008)
02/14/2008	24	CERTIFICATE OF SERVICE by San Diego Navy Broadway Complex Coalition re 23 Notice *of Unavailability of Counsel* (Skaret, Karen) (aje). (Entered: 02/14/2008)
02/26/2008	25	OBJECTION by US Department of the Navy re 20 Supplemental Document, (Attachments: # 1 Proof of Service)(Callan, Megan) (aje). (Entered: 02/26/2008)
03/21/2008	26	ORDER denying 6 Navy's Motion for Summary Judgment of the FOIA Claim and orders as follows: By 6/2/08, the parties shall file cross−motions for summary judgment regarding Plaintiff's FOIA claim. Before filing the motions, the parties shall contact the Court's law clerk for a hearing date. The Navy's summary−judgment motion shall include an unredacted copy of the Lease, which shall be filed under seal. The Navy's Objections to Plaintiff's Supplemental Brief 25 are overruled. Signed by Judge Thomas J. Whelan on 3/21/08. (aje) (Entered:

		03/21/2008)
05/29/2008	27	Joint MOTION for Extension of Time to File *and to Set Briefing Schedule* by US Department of the Navy. (Callan, Megan) (aje). (Entered: 05/29/2008)
06/04/2008	28	ORDER granting 27 Joint Motion for Extension of Time to File Cross−Motions for Summary Judgment and to Set Schedule for Filing of Related Briefing and Hearing Date. The Court vacates the filing deadline of June 2, 2008 for the cross−motions for summary judgment. Signed by Judge Thomas J. Whelan on 6/2/08. (aje) (Entered: 06/04/2008)
08/04/2008	29	NOTICE by US Department of the Navy *Ex− Parte Application to File Exhibits Under Seal According to Prior Court Order* (Attachments: # 1 Proof of Service)(Callan, Megan) (cap). (Entered: 08/04/2008)
08/04/2008	30	MOTION for Summary Judgment by San Diego Navy Broadway Complex Coalition. (Attachments: # 1 Memo of Points and Authorities, # 2 Appendix Attachment 1, # 3 Declaration of Cory J. Briggs, # 4 Proof of Service)(Gladden, Mekaela) Modified on 8/5/2008, notified attorney of s/; to re−file. (cap). (Entered: 08/04/2008)
08/04/2008	31	Cross MOTION for Summary Judgment *Per Court Order* by US Department of the Navy. (Attachments: # 1 Memo of Points and Authorities, # 2 Exhibit Part One (due to size), # 3 Exhibit Part Two (due to size), # 4 Exhibit Part Three (due to size), # 5 Exhibit Part Four (due to size), # 6 Proof of Service)(Callan, Megan) (cap). (Entered: 08/04/2008)
08/05/2008	32	MOTION for Summary Judgment by San Diego Navy Broadway Complex Coalition. (Attachments: # 1 Memo of Points and Authorities, # 2 Appendix : Attachment 1, # 3 Declaration of Cory J. Briggs, # 4 Proof of Service)(Gladden, Mekaela) (cap). Modified on 9/2/2008 to correct attorney's docket text. (cap). (Entered: 08/05/2008)
08/25/2008	33	RESPONSE in Opposition re 31 Cross MOTION for Summary Judgment *Per Court Order* filed by San Diego Navy Broadway Complex Coalition. (Attachments: # 1 Proof of Service)(Gladden, Mekaela) (Entered: 08/25/2008)
08/25/2008	34	Ex Parte MOTION for Leave to File *Under Seal Subject to Prior Court Order* by US Department of the Navy. (Attachments: # 1 Proof of Service)(Callan, Megan) (Entered: 08/25/2008)
08/25/2008	35	RESPONSE in Opposition re 32 Cross MOTION for Summary Judgment, 30 MOTION for Summary Judgment filed by US Department of the Navy. (Attachments: # 1 Proof of Service)(Callan, Megan) (cap). (Entered: 08/25/2008)
08/26/2008	36	RESPONSE in Opposition by San Diego Navy Broadway Complex Coalition re 34 Ex Parte MOTION for Leave to File *Under Seal Subject to Prior Court Order*. (Attachments: # 1 Proof of Service)(Gladden, Mekaela) Modified on 8/26/2008, text changed (cap). (Entered: 08/26/2008)
08/26/2008	37	REPLY to Response in Opposition to Motion re 34 Ex Parte MOTION for Leave to File *Under Seal Subject to Prior Court Order* filed by US Department of the Navy. (Callan, Megan) Modified on 8/26/2008, text changed (cap). (Entered: 08/26/2008)
08/29/2008	38	RESPONSE in Support re 30 MOTION for Summary Judgment filed by US Department of the Navy. (Attachments: # 1 Proof of Service)(Callan, Megan) (cap). (Entered: 08/29/2008)
08/29/2008	39	RESPONSE in Support re 31 Cross Motion for Summary Judgment Per Court Order by US Department of the Navy. (Attachments: # 1 Proof of Service)(Gladden, Mekaela) Modified on 9/2/2008 to correct attorney's docket text (cap). (Entered: 08/29/2008)
12/11/2008	40	NOTICE by US Department of the Navy *of Supplemental Authority* (Callan, Megan) (cap). (Entered: 12/11/2008)

03/05/2009	41	ORDER Granting in Part and Denying in Part 30 Plaintiff's Motion for Summary Judgment; Granting in Part and Denying in Part 31 the Navy's Motion for Summary Judgment; Granting 34 the Navy's unopposed ex parte application to file exhibits under seal. The Court hereby Orders the Navy to disclose Sections 5.8 and Section 6.4 of the Lease. Signed by Judge Thomas J. Whelan on 3/5/09. (cap) (av1). (Entered: 03/05/2009)
05/13/2009	42	Joint MOTION to Dismiss *With Prejudice* by US Department of the Navy. (Callan, Megan) (cap). (Entered: 05/13/2009)
05/27/2009	43	ORDER Granting 42 Joint Motion to Dismiss Lawsuit With Prejudice. Signed by Judge Thomas J. Whelan on 5/27/09. (cap) (av1). (Entered: 05/28/2009)